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NOTICE OF ALLOWANCE AND FEE(S) DUE

29838 7590 04/03/2008

OPPENHEIMER WOLFF & DONNELLY, LLP
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609

EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 04/03/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/27,560 08/10/2001

Ronald E. Sloan

60021-375502

6833

TITLE OF INVENTION: FINANCIAL MODELING AND COUNSELING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	07/03/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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29838 7590 04/03/2008

**OPPENHEIMER WOLFF & DONNELLY, LLP
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/27,560	08/10/2001	Ronald E. Sloan	60021-375502	6833

TITLE OF INVENTION: FINANCIAL MODELING AND COUNSELING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	07/03/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
GREIMEL, JOCELYN	3693	705-036000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1218 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1218 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/927,560

Applicant(s)

SLOAN ET AL.

Examiner

JOCELYN GREIMEL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/8/08.
2. ☒ The allowed claim(s) is/are 1, 3-10, 12-18 and 20-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This communication is in response to Applicant's Amendments and Remarks filed 21 November 2007, the Final Action of 08 February 2008 and the telephone discussions of 25 February 2008 and 17 March 2008 with Applicant's attorney, Robert Hirning.

Status of Claims

2. Claims 1, 3-10, 12-18 and 20-25 are currently pending. Claims 2, 11 and 19 have been canceled. Claims 1, 9 and 18 are independent claims.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Robert Hirning, via telephone on 17 March 2008.

The application has been amended as follows:

Claim 9 shall read:

9. (Currently amended) An online, web-based financial advisor system accessible over the Internet comprising:

- a user computer system coupled to a wide area network[(:)], including:
 - a user interface for prompting a user for an input of financial information;
 - a database for receiving from the user a desired service level selected from a plurality of available unique service levels;
 - an engine for estimating the user profitability based on the financial information; and
 - a user interface for negotiating fees to be charged to the user based upon estimating profitability and the desired level of service prior to providing services at the service level;
- a coach computer system coupled to said wide area network;
- a financial advisor service system, coupled to said wide area network[(:)],
 - wherein the financial advisor service system offers to the user the [(a)] plurality of unique service levels, each including a unique combination of available computer counseling and live counseling, the live counseling being performed by a financial advisor[(:)], and wherein the financial advisor service system ~~a service-level generator which develops a service level of financial counseling services for the user; , said service-level generator including:~~
 - a user interface for prompting the user for an input of financial information;
 - a database for receiving from the user a desired service level selected from the plurality of available unique service levels;

- ~~an engine for estimating the user profitability based on the financial information; and~~
- ~~a user interface for negotiating fees to be charged to the user based upon estimating profitability and the desired level of service prior to providing services at the service level;~~
- a financial needs generator which operates according to the financial information of the user and services provided by the service level, including processing the user's intended financial state, analyzing the user's investment portfolio, calculating the user's future income and expenses, assets, and liabilities, and factoring in risk events;
- a financial analysis generator which provides the financial advisor with the financial information and analysis of the financial needs of the user, detailing areas that require attention;
- a financial model generator including a computer counselor subsystem and a live counselor subsystem that interacts with the coach computer system, where the computer counselor subsystem and the live counselor subsystem both permit a dialogue with the user over the Internet, where the amount of available usage of both the computer counselor subsystem and the live counselor system is determined by the user's service level agreement, and the user can initiate communication with the financial advisor to obtain live counseling during the computer counseling.

Claim 15 shall read:

15. (Currently amended) The ~~service level generator~~ user computer system of claim 9, including an algorithm to direct the user to use computer coaching prior to using live coaching, if the service level is below a threshold.

Claim 18 shall read:

18. (Currently amended) A computer program embodied on a computer readable medium for providing a web-based, online personalized financial counseling over the Internet in a collaborative computing environment, wherein the computer program comprises executable code for:

~~code segment for~~ developing a service level agreement with a user which includes a desired service level of financial counseling services for the user, ~~the code segment for the service level agreement including~~:

~~a code segment for~~ providing a plurality of unique service levels each including a unique combination of available computer coaching and live coaching, the live coaching being performed by a financial advisor;

~~code for~~ prompting a user to input personal financial information;

~~code for~~ receiving the user desired level of financial management service from the plurality of available unique service levels;

~~code for~~ estimating profitability based on the financial information; and

~~code for~~ negotiating fees to be charged to the user based upon estimating profitability and the desired level of service prior to providing services under the service agreement;

~~code for~~ analyzing, with the services provided by the service level, the financial needs of the user according to the financial information of the user,

including processing the user's intended financial state, analyzing the user's investment portfolio, calculating the user's future income and expenses, assets, and liabilities, and factoring in risk events;

~~code for~~ providing the financial advisor performing live coaching with the personal financial information and analysis of the financial needs of the user, detailing areas that require attention;

~~code for~~ developing a financial model for the user to address the financial needs of the user by utilizing the computer coaching and the live coaching, including permitting the user to enter a dialogue with at least one of a computer-generated coach and the financial advisor over the Internet as determined by the service level agreement, and permitting the user to initiate communication with the financial advisor to obtain live coaching during the computer coaching dialogue; and

~~code for~~ generating a financial model for the user to implement computer coaching and live coaching as determined by the service level agreement.

Claims 20-25 shall read:

20. (Currently amended) The ~~code segment~~ computer program of claim 18, further comprising ~~code to determine~~ determining access at least one to a account of a user.

21. (Currently amended) The ~~code segment~~ computer program of claim 18 for developing a financial model, further comprising:

~~code for~~ developing the user's equity investment portfolio.

22. (Currently amended) The ~~code segment~~ computer program of claim 21, further comprising:

~~code for~~ determining the financial goals of the user and the user's risk tolerance;

~~code for~~ determining the current equity positions of a user;

~~code for~~ suggesting new equity positions for the user.

23. (Currently amended) The ~~code segment~~ computer program of claim 18, further comprising:

~~code for~~ restricting a user to use computer coaching before accessing live coaching.

24. (Currently amended) The ~~code segment~~ computer program of claim 23 wherein the automated coaching further comprises:

~~code for~~ computer coaching to dispense general financial advice based on the user's financial model.

25. (Currently amended) The ~~code segment~~ computer program of claim 23 wherein the live coaching further comprises:

~~code for~~ computer coaching to dispense specific financial advice based on the user's financial model.

Allowable Subject Matter

3. Claims 1, 3-10, 12-18 and 20-25 are allowed.

Reasons for Allowance

The closest prior art that the Examiner has been able to locate is Jones et al (US Patent No. 6,021,397) in view of Wren (US Patent No. 6,055,514) and further in view of Killeen et al (US Patent No. 6,324,523). Jones is financial advisory system where return scenarios for optimized portfolio allocations are simulated interactively to assist in financial product selection. Expected returns are combinations of financial products are generated and used to produce an optimal portfolio of financial products. Wren is a method for shopping for goods and services (including financial services) over a communications network. The communications facilities store product data, video graphics and voice/music audio. Using computer input devices, customers research products and negotiate prices for the purchase of goods. Killeen is a data processing system which initiates, implements, confirms and updates financial transaction support services. The financial transaction support services include brokerage transactions, related financial services and banking account services based on a fee structure. While there are similarities between the combination of Jones, Wren and Killeen and the proposed invention, there are clear patentable distinctions. Specifically, Jones does not teach or suggest that a financial advisor or any other human interaction is involved in the financial counseling. Secondly, Jones, although interactive, is generally a computerized financial advice system. This distinction is important because in Applicant's claimed invention, the provision of automated and live advice is an integral part of the counseling system. Additionally, Wren does not teach the feature of creating a financial dialogue with a computer-generated coach or financial advisor, as

detailed in Applicant's claims. Wren discusses a combination of automated and live help in a sales transaction, but does not involve any financial counseling, advice or coaching. Wren also does not provide for the user's interactions to assist in the development or utilization of a financial model. Also, Killeen does suggest various levels of features in different available products or service levels but does not suggest "negotiating fees to be charged to the user based upon estimating profitability and the desired level of service prior to providing services under the service agreement" as set forth in the Applicant's claims. In addition, Killeen does not offer or make obvious to offer a "combination of amounts of available computer coaching and live coaching" as part of its list of features in the available products such as that set forth in Applicant's claims. Finally, the Examiner would like to note that there is no motivation in Jones, Wren and Killeen to apply the various attributes of each of the systems to a financial advice counseling system. While references disclose some elements of the proposed claimed invention, the modifications to Jones, Wren and Killeen that would be required to achieve Applicant's method and system, assuming such missing elements could be located in the prior art, could only be motivated by facts and suggestions deduced from impermissibly referring to Applicant's disclosure in hindsight.

4. **The following is a formal statement of the Examiner's reasons for allowance:** Claims 1, 9 and 18 are allowed because the best prior art of record, Jones, alone or in combination with Wren and/or Killeen, neither discloses nor fairly suggests

the limitations, in a method, system and computer readable medium for providing online, web-based financial counseling over the Internet comprising:

- providing a plurality of unique service levels, each including a unique combination of available computer coaching and live coaching, the live coaching being performed by a financial advisor;
- developing a service agreement with a user for a desired service level of financial counseling services, including:
 - prompting the user to input personal financial information;
 - receiving from the user a desired service level selected from the plurality of available unique service levels;
 - estimating profitability based on the financial information; and
 - negotiating fees to be charged to the user based upon estimating profitability and the desired level of service prior to providing services under the service agreement;
- analyzing, with the services provided by the service level, the financial needs of the user based on the financial information of the user, including processing the user's intended financial state, analyzing the user's investment portfolio, calculating the user's future income and expenses, assets, and liabilities, and factoring in risk events;
- providing the financial advisor with the personal financial information and analysis of the financial needs of the user, detailing areas of the financial needs that require attention;
- developing a financial model for the user to address the financial needs of the user by utilizing the computer coaching and the live coaching, including permitting the user to enter a dialogue with a computer-generated coach and the financial advisor over the Internet as determined by the service level agreement, and permitting the user to initiate communication with the

financial advisor to obtain live coaching during the computer coaching dialogue; and
using the financial model utilizing said computer coaching and said live coaching as determined by said service level.

Claims 3-8, 10, 12-17 and 20-25 are also allowed for the same reasons discussed supra, in that they are dependent on allowed claims 1, 9 and 18.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Jocelyn Greimel
Examiner, Art Unit 3693
March 17, 2008